

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FILED
CLERK

12/16/2019 4:20 pm

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

ORDER
19-CV-5644 (JMA)(SIL)

-----X
HOLMES ALEXANDER DEVORE, JR.,

Plaintiff,

-against-

MEDICAL STAFF DOCTOR HYNICK, et al.,

Defendants.

-----X
AZRACK, United States District Judge:

On October 4, 2019, incarcerated *pro se* plaintiff Holmes Alexander Devore, Jr. (“Plaintiff”) filed a complaint (the “Complaint”) pursuant to 42 U.S.C. § 1983 in this Court. However, Plaintiff did not pay the filing fee, nor did he file an application to proceed *in forma pauperis* and Prisoner Litigation Authorization form (“PLRA”). Accordingly, by Notice of Deficiency also dated October 4, 2019 (“Notice”), Plaintiff was instructed to either remit the filing fee or to complete and return the enclosed application to proceed *in forma pauperis* and PLRA within fourteen (14) days from the date of the Notice. The Notice warned Plaintiff that his failure to timely comply may result in the dismissal of his Complaint for failure to prosecute. (*See* Notice, ECF No. 2.) The Notice was mailed to Plaintiff at his address of record, and has not been returned to the Court. To date, Plaintiff has not responded to the Notice, nor has he otherwise communicated with the Court about this case. Accordingly, the Complaint is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that *in forma pauperis* status for the purpose of an appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962). The

Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff at his last known address and to mark this case closed.

SO ORDERED.

Dated: December 16, 2019
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE